

AMENDED IN SENATE JUNE 23, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1120

Introduced by Assembly Member Benoit

(Coauthors: Assembly Members Aghazarian, Blakeslee, Bogh, Cogdill, DeVore, Emmerson, Garcia, Harman, Haynes, Shirley Horton, Houston, Keene, La Malfa, Maze, McCarthy, Niello, Plescia, Richman, Sharon Runner, Spitzer, Strickland, and Villines)

(Coauthors: Senators Battin, Dutton, and Hollingsworth)

February 22, 2005

An act to ~~amend Section 11623 of the Insurance Code, relating to auto insurance~~ add Section 3007 to the Penal Code, and to amend Section 6601.3 of the Welfare and Institutions Code, relating to corrections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1120, as amended, Benoit. ~~Auto insurance: assigned risk plans.~~ Corrections: sexually violent predators: Law Enforcement Consortium.

Existing law establishes the Department of Corrections and Rehabilitation for the oversight of prisoner incarceration and probation and for implementation of procedures in law enforcement.

This bill would require the Department of Corrections and Rehabilitation to establish an advisory committee of local law enforcement representatives to be known as the Law Enforcement Consortium, to provide policy expertise and recommendations on issues that require interaction between state parole and local law enforcement representatives.

Existing law authorizes, upon a showing of good cause, the Board of Prison Terms to order that a person referred to the State Department of Mental Health pursuant to a screening resulting in a determination that an individual under custody is likely to be a sexually violent predator to remain in custody for no more than 45 days beyond the person's scheduled release date for full evaluation.

This bill would authorize the Board of Prison Terms to order that certain individuals who are not subject to commitment on that basis and who are under parole supervision to be held in custody for not more than 45 days, and would require the Department of Corrections to contact certain law enforcement officials of the county in which the individual will be released to parole, regarding the placement and supervision for the parolee and to develop plans for community notification.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law requires the Insurance Commissioner to approve or issue a reasonable plan for the equitable apportionment, among auto insurers, of applicants for auto liability insurance who are entitled to but are unable to procure that insurance through ordinary methods. Existing law establishes an advisory committee composed of members from insurers, noninsurers, the public, and the commissioner. Existing law places specified requirements on certain members representing insurers with respect to the amount of auto liability insurance their companies transact annually.~~

~~This bill would make changes to these requirements regarding the membership of insurer representatives on the advisory committee related to the size of the insurer represented by the representative.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~
yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3007 is added to the Penal Code, to
- 2 read:
- 3 3007. (a) The Department of Corrections and Rehabilitation
- 4 shall establish an advisory committee of local law enforcement
- 5 representatives to be known as the Law Enforcement
- 6 Consortium. The Law Enforcement Consortium shall provide
- 7 policy expertise and recommendations on issues that require

1 *interaction between state parole and local law enforcement*
2 *representatives. The purpose of the consortium is to form a*
3 *collaborative process for communication, coordination, and*
4 *partnership between state and local law enforcement agencies to*
5 *provide for increased public safety.*

6 *(b) The following entities shall be asked by the department to*
7 *each send three representatives to the Law Enforcement*
8 *Consortium:*

9 *(1) The California District Attorney's Association.*

10 *(2) The California Police Chiefs Association.*

11 *(3) The California State Sheriff's Association.*

12 *(4) The California Peace Officers Association.*

13 *(5) The Chief Probation Officers of California.*

14 *(c) Each entity asked to select representatives to the Law*
15 *Enforcement Consortium pursuant to subdivision (b) shall strive*
16 *to select representatives who reflect small, medium, and large*
17 *jurisdictions, as well as a mixture of rural and urban*
18 *representatives and persons from all geographic regions of the*
19 *state.*

20 *(d) The Attorney General, or his or her designee, shall also*
21 *participate in the Law Enforcement Consortium and may send*
22 *additional representatives to meetings of the Law Enforcement*
23 *Consortium, as needed.*

24 *(e) The Secretary of the Department of Corrections and*
25 *Rehabilitation, or his or her designee, shall be the chair of the*
26 *Law Enforcement Consortium, and may send additional*
27 *representatives to meetings of the Law Enforcement Consortium,*
28 *as needed.*

29 *(f) The Law Enforcement Consortium shall meet no less than*
30 *three times each year, and may meet more often if necessary*
31 *upon the call of the chair. The members of the Law Enforcement*
32 *Consortium shall not receive any reimbursement for travel or*
33 *other expenses, or any stipend, in conjunction with attending*
34 *meetings of the Law Enforcement Consortium.*

35 *SEC. 2. Section 6601.3 of the Welfare and Institutions Code*
36 *is amended to read:*

37 *6601.3. (a) Upon a showing of good cause, the Board of*
38 *Prison Terms may order that a person referred to the State*
39 *Department of Mental Health pursuant to subdivision (b) of*
40 *Section 6601 remain in custody for no more than 45 days beyond*

1 the person's scheduled release date for full evaluation pursuant to
2 subdivisions (c) to (i), inclusive, of Section 6601.

3 *(b) When a person referred to the State Department of Mental*
4 *Health pursuant to subdivision (b) of Section 6601 for full*
5 *evaluation pursuant to subdivisions (c) to (i), inclusive, of*
6 *Section 6601 is not recommended by the State Department of*
7 *Mental Health for commitment pursuant to this article, the Board*
8 *of Prison Terms may order that the person remain in custody for*
9 *no more than 45 days beyond the expiration of the hold placed*
10 *on the person pursuant to subdivision (a).*

11 *(c) When a county declines to seek commitment pursuant to*
12 *this article of a person recommended by the State Department of*
13 *Mental Health pursuant to subdivision (h) of Section 6601, the*
14 *Board of Prison Terms may order that the person remain in*
15 *custody for no more than 45 days beyond the expiration of the*
16 *hold placed on the person pursuant to subdivision (a).*

17 *(d) When a court determines pursuant to Section 6601.5 or*
18 *Section 6602 that probable cause does not exist for a*
19 *commitment pursuant to this article, the Board of Prison Terms*
20 *may order that the person that was the subject of those hearings*
21 *remain in custody for no more than 45 days beyond the date of*
22 *the court hearing.*

23 *(e) When a court or jury pursuant to Section 6604 declines to*
24 *commit a person as a sexually violent predator, the Board of*
25 *Prison Terms may order that the person that was the subject of*
26 *those hearings remain in custody for no more than 45 days*
27 *beyond the date of the court hearing.*

28 *(f) The Board of Prison Terms is only authorized to apply the*
29 *holds authorized by subdivisions (b) to (e), inclusive, upon*
30 *persons that are under parole supervision pursuant to Section*
31 *3000 of the Penal Code.*

32 *(g) When the Board of Prison Terms has placed a hold on a*
33 *person pursuant to subdivisions (b) to (e), inclusive, the*
34 *Department of Corrections shall contact by telephone the sheriff*
35 *or chief of police, or both, and the district attorney, for the*
36 *county in which the person will be released to parole. The*
37 *purpose of this contact will be to establish collaboration with*
38 *local law enforcement entities regarding the placement and*
39 *supervision plans for the parolee, and to develop plans for*
40 *community notification.*

1 *SEC. 3. This act is an urgency statute necessary for the*
2 *immediate preservation of the public peace, health, or safety*
3 *within the meaning of Article IV of the Constitution and shall go*
4 *into immediate effect. The facts constituting the necessity are:*

5 *In order to timely ensure the safety and well-being of all*
6 *Californians, it is necessary that this act take effect immediately.*

7 ~~SECTION 1. Section 11623 of the Insurance Code is~~
8 ~~amended to read:~~

9 ~~11623. (a) To assist the commissioner in carrying out the~~
10 ~~purposes of this article, an advisory committee composed of 15~~
11 ~~members is created. The commissioner shall administer and~~
12 ~~operate the plan as authorized by law. The commissioner shall~~
13 ~~consult with the advisory committee on a regular basis on policy~~
14 ~~matters affecting the operation of the plan.~~

15 ~~Eight members representing subscribing insurers shall be~~
16 ~~elected annually by subscribing insurers. The commissioner shall~~
17 ~~appoint the noninsurer members. Four members shall represent~~
18 ~~the public. Two members shall represent producers. The~~
19 ~~remaining member is the commissioner or his or her designee.~~

20 ~~All insurer representatives shall be salaried employees. At least~~
21 ~~two insurer representatives shall be employed by insurers having~~
22 ~~their principal headquarters located in California. At least one~~
23 ~~insurer representative shall represent an insurer with average~~
24 ~~annual automobile liability premiums in California below five~~
25 ~~hundred million dollars (\$500,000,000) in the prior three years.~~
26 ~~At least two insurer representatives shall represent companies~~
27 ~~with average annual automobile liability premiums in California~~
28 ~~of less than one billion dollars (\$1,000,000,000) in the prior three~~
29 ~~years. At least one insurer representative shall represent an~~
30 ~~insurer with average annual automobile liability premiums in~~
31 ~~California exceeding one billion dollars (\$1,000,000,000) in the~~
32 ~~prior three years.~~

33 ~~Public members shall be paid two hundred fifty dollars (\$250)~~
34 ~~per meeting and shall be reimbursed all reasonable expenses~~
35 ~~incurred.~~

36 ~~The commissioner shall remove members for nonattendance.~~
37 ~~Unless satisfactory excuse is made in writing to the~~
38 ~~commissioner in a timely manner, nonattendance shall mean the~~
39 ~~failure to appear at more than two regularly scheduled meetings~~
40 ~~in a 12-month period. Should the member who is removed~~

1 ~~represent a company or agency, another representative from the~~
2 ~~company or agency may not be appointed for a period of not less~~
3 ~~than two years.~~

4 ~~The advisory committee with the approval of the commissioner~~
5 ~~shall appoint a manager to carry out the purposes of this article;~~
6 ~~employ sufficient personnel to provide services necessary to the~~
7 ~~operation of the plan, and contract for the provision of statistical~~
8 ~~and actuarial services.~~

9 ~~The cost of the plan, including any personnel and contracting~~
10 ~~costs, shall be fairly apportioned among the subscribing insurers~~
11 ~~to whom assignments may be made. The costs associated shall be~~
12 ~~directly attributable to the management of the plan and directly~~
13 ~~related to its programs. In consultation with the advisory~~
14 ~~committee, the commissioner shall develop, issue, and adopt~~
15 ~~regulations to carry out the purposes of this article.~~

16 ~~(b) Notwithstanding this act, which changes the status of the~~
17 ~~governing committee to that of an advisory committee, the~~
18 ~~committee shall have the right to retain counsel of its choice~~
19 ~~pursuant to a selection process adopted by the committee and the~~
20 ~~right and necessary standing to bring and defend actions in~~
21 ~~judicial and administrative proceedings related to the plan in the~~
22 ~~name of the plan, with all powers attendant thereto including the~~
23 ~~right to retain consultants, counsel, and expert witnesses of its~~
24 ~~choice.~~